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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,122	05/15/2001	Steven Bruce Katz	PMT-002	1464

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EXAMINER
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TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/858,122

Applicant(s)

KATZ ET AL.

Examiner

C. Michelle Tarae

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-229 is/are pending in the application.
- 4a) Of the above claim(s) 1-139 and 187-229 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 140-186 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/30/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on November 9, 2006.

Claims 1-229 are pending in this application. Claims 140-186 have been elected with traverse. Claims 1-139 and 187-229 are withdrawn. Claims 140-186 are examined below.

#### ***Information Disclosure Statement***

2. The examiner has reviewed the patents and publications supplied in the Information Disclosure Statement (IDS) provided on July 30, 2001.

#### ***Election with Traverse***

3. As shown by the first sentence of 37 CFR 1.143, the traverse to a requirement must be complete as required by 37 CFR 1.111(b) which reads in part: "In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. . . .The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. . . ." Under this rule, the applicant is required to specifically point out the reasons on which he or she bases his or her conclusions that a requirement to restrict is

in error. A mere broad allegation that the requirement is in error does not comply with the requirement of 37 CFR § 1.111. Thus the required provisional election (see MPEP § 818.03(b)) becomes an election without traverse.

Accordingly, Applicant's election of Species III in the reply filed on November 9, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP §818.03(a)).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 140-186 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (U.S. 5,491,629).

As per claim 140, Fox et al. discloses a method implemented on a computer system via a plurality of software modules for managing a workflow process, the method assisting a user with procurement decisions, sourcing decisions and strategic sourcing decisions in an enterprise regarding one or a plurality of items, and comprising the steps of:

discovering, via one or more of the software modules, internal and external data related to at least one item based on user-defined parameters, wherein the discovered

internal and external data is extracted from a plurality of data sources internal and external to the enterprise (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).);

storing the discovered internal and external data in a data mart (item 120 in Figure 1);

identifying, via one or more of the software modules, one or more conditions related to the at least one item or related to procurement, sourcing, and strategic sourcing in the enterprise of the at least one item (col. 11, lines 51-58; A correlation processor is used to identify conditions (i.e., change in weather, sales, etc.) associated with deweatherized data. The conditions are deviations from the baseline that is created, where the deviations are used to revise the managerial plan.);

analyzing, via one or more of the software modules, the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item (col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made.);

recommending to the user, via one or more of the software modules, one or more proposed actions with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise based on the analysis of the discovered internal and external data (col. 8, lines 25-37; col. 18, lines 60-67; Figure 7; A revised

managerial plan is generated in response to the analysis of the potential impact, where the revised managerial plan includes new/altered (i.e., recommended) actions to the original managerial plan. Examples of a managerial plan are product buying, product distribution and labor scheduling.); and

providing to the user, via one or more of the software modules, one or more computer-initiated options for fully or partially executing one or more action(s) with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise (col. 6, lines 32-39 and 46-50; col. 8, lines 32-46; The user has the option to modify the managerial plan. If the user cannot generate a managerial plan, the system then generates one.).

Fox et al. does not expressly disclose if at least one of the one or more conditions is satisfied, generating, via one or more of the software modules, at least one alert for the user. Examiner takes Official Notice that it is old and well known in workflow management processes to alert users of certain conditions in order to make the user aware of certain conditions happening during a workflow process so that the user can take certain actions at that time if necessary. It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Fox et al. to alert a user of a satisfied condition so that the user is made aware of a certain threshold being crossed and is able to take certain actions regarding the condition, if necessary, thereby providing the user with instant feedback regarding the status of things.

As per claim 141, Fox et al. discloses the method of claim 140, wherein the discovered internal and external data stored in the data mart is organized for querying

and report generation, and represented to the user in a plurality of formats (col. 6, lines 47-50; col. 8, lines 15-20; The data from the internal and external sources is queried and used to generate deweatherized managerial plans, which are provided via graphical reports.).

As per claim 142, Fox et al. discloses the method of claim 140, further comprising the step of producing, via one or more of the software modules, one or more reports based on the analysis of the discovered internal and external data, wherein the one or more reports provide the user with information regarding the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, wherein the reports include information represented and/or displayed in graphical formats (col. 6, lines 47-50; col. 7, lines 11-14).

As per claim 143, Fox et al. discloses the method of claim 142, wherein the graphical formats of the information include tables, charts, graphs, and/or maps (col. 6, lines 47-50; col. 7, lines 11-14).

As per claim 144, Fox et al. discloses the method of claim 140, further comprising the step of producing, via one or more of the software modules, one or more reports based on the analysis of the discovered internal and external data, wherein the one or more reports provide the user with information regarding the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, wherein the reports include information represented and/or displayed in non-

graphical formats (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per claim 145, Fox et al. discloses the method of claim 144, wherein the non-graphical formats of the information include news bulletins, alert boxes, and audio messages (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per claim 146, Fox et al. discloses the method of claim 140, wherein functionalities of the workflow process are accessed by the user through one or more software modules with a user interface (col. 6, lines 47-50).

As per claim 147, Fox et al. discloses the method of claim 146, wherein the user may select one or more software modules and enter the workflow process at any point in the process, wherein the user may have control of the functionalities of the workflow process (col. 8, lines 25-37; The user may modify the managerial plan, which is a workflow process.).

As per claim 148, Fox et al. discloses the method of claim 146, wherein the user may select one or more software modules to follow the workflow process, wherein the user is guided through the functionalities of the workflow process (col. 8, lines 25-37; The user may modify the managerial plan, which is a workflow process. In accessing the managerial plan, the user has access to the functionalities of the workflow process.).

As per claim 150, Fox et al. discloses the method of claim 140, wherein the step of discovering internal and external data assists the user in identifying parameters for criteria relevant to procurement decisions, sourcing decisions and strategic sourcing in



an enterprise regarding one or a plurality of items (col. 8, lines 52-64; col. 9, lines 3-25; Parameters, such as leadtimes, are used as relevant criteria to the decision making related to the managerial plan.).

Claims 149 and 151-186 recite limitations similar to those already rejected above. Therefore, claims 149 and 151-186 are rejected on the same basis as claims 140-148 and 150 above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Baseman et al. (U.S. 6,671,673) discusses an integrated supply chain and financial management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Michelle Tarae", with a stylized, flowing script.

C. Michelle Tarae  
Primary Patent Examiner  
Art Unit 3623

January 11, 2007